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REMARKS

Applicants thank the Examiner for the very thorough consideration given

the present application.

Claims 6-12 are now present in this application. Claims 6 and 8 are

independent.

Amendments have been made to the Abstract of the Disclosure and

specification, claims 1-5 have been canceled, claims 8-12 have been added,

and claims 6 and 7 have been amended. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. §119

Applicants thank the Examiner for acknowledging Applicants' claim for

foreign priority under 35 U.S.C. §119, and receipt of the certified priority

document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied

with the Information Disclosure Statement filed April 21, 2003, and for

providing Applicants with an initialed copy of the PTO-1449 form filed

therewith.

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Restriction Requirement

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The Examiner has formalized the oral Restriction Requirement, and has

withdrawn claims 6 and 7 from further consideration.

Applicants respectfully traverse the restriction requirement. The Office

Action alleges that Inventions I and II are related as subcombination disclosed as

usable together. This is not true. Claims 1-5 recite a different statutory class of

invention than do claims 6 and 7. Claims 1-5 recite an internet remote

controller, whereas claims 6 and 7 recite a method of controlling home appliance

using an internet remote controller.

The Office has the burden of making out a prima facie case that claims 1-5

are independent and distinct inventions per 35 USC §121. However, the Office

Action mischaracterizes the statutory category of claims 6 and 7 as well as the

relationship between claims 1-5 and claims 6 and 7 and uses the wrong test for

determining whether those inventions are independent and distinct (from MPEP

§806.05(d)) and, accordingly, fails to make out a prima facie case that the

inventions of Group I and Group II are restrictable.

Accordingly, withdrawal of the restriction requirement and an action on all

pending claims is respectfully requested.

Substitute Specification

In accordance with MPEP §608.01(q), and at the request of Examiner

Lazaro, Applicant herewith submits a substitute specification in the above-

identified application. Also included is a marked-up copy of the original

specification which shows the portions of the original specification which are

being added and deleted. Applicant respectfully submits that the substitute

specification includes no new matter and that the substitute specification

includes the same changes as are indicated in the marked-up copy of the

original specification showing additions and deletions. The substitute

specification places the Application in proper idiomatic English.

Claim Objections

The Examiner has objected to claims 1 and 4 because of several

informalities. In order to overcome this objection, Applicants have canceled

claims 1-5 without prejudice, thereby mooting these objections, and added

claims 8-12, which are believed to be in proper form. Reconsideration and

withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph

Claims 4 and 5 stand rejected under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph.

This rejection is respectfully traversed.

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Claims 4 and 5 have been canceled without prejudice, thereby mooting

this rejection

Rejection Under 35 U.S.C. §102

Claims 1-5 stand rejected under 35 U.S.C. §102(a) as being anticipated by

U.S. Patent 6,104,334 to Allport. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office

Action, and is not being repeated here.

In the first place, Applicants do not understand why this rejection is based

on 35 USC §102(a) instead of 35 USC 103(e). MPEP §706.02(a) states that for 35

USC §102(a) to apply, the reference must have a publication date earlier in

time than the effective filing date of the application, and must not be

applicant's own work.

Applicant's effective filing date is May 4, 2000, which is the filing date of

Applicants' Korean patent Application, with respect to which priority is

claimed.

The publication date of U.S. Patent 6,104,334 to Allport is August 15,

2000, which is later than Applicant's effective filing date of May 4, 2000.

Accordingly, this rejection is based on an improper statutory basis and

must be withdrawn.

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In the second place, claims 1-5 have been canceled without prejudice,

thereby mooting this rejection.

Claims 6-12

Claims 6 and 7 have been amended and claims 8-12 added for the

Examiner's consideration.

Applicants respectfully submit that claims recite features which are not

disclosed or made obvious by the applied prior art reference.

The system claims, i.e., claims 8-12, recite a combination of features

including an appliance having a receiver to receive the appliance operating

parameter data received by the remote control unit from the personal computer

and transmitted to the appliance by the remote control unit, and a processor to

operate the appliance based on the appliance operating parameter data and the

control command transmitted to the appliance by the remote control unit.

Allport does not disclose these features.

The method claims, i.e., claims 6 and 7, recite a combination of features,

including receiving and storing at least part of the appliance operating

parameter data on an internet remote controller connectable directly or

remotely to the computer; transmitting from the remote controller the stored

appliance operating parameter data and a control command of a home

appliance to the corresponding control apparatus of a home appliance to be

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controlled; and controlling operation of the home appliance based on the

transmitted appliance operating parameter data and the control command.

Allport does not disclose these features.

Consideration and allowance of claims 6-12 are respectfully requested.

Additional Cited References

Since the remaining references cited by the Examiner have not been

utilized to reject the claims, but have merely been cited to show the state of the

art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed,

accommodated, or rendered moot. Applicants therefore respectfully request that

the Examiner reconsider all presently outstanding rejections and that they be

withdrawn. It is believed that a full and complete response has been made to the

outstanding Office Action, and as such, the present application is in condition

for allowance.

If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone

Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the

Washington, D.C. area.

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Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:

James T. Eller, Jr.

Reg. No.: 39,538

JTE/RJW/adt;fjl

P.O. Box 747

Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000

Attachment: Abstract of the Disclosure

Substitute Specification (with marked-up copy)